

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC PRACTITIONERS
PART 14 MANAGEMENT OF MEDICAL RECORDS

16.4.14.1 ISSUING AGENCY: New Mexico Chiropractic Board, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.14.1 NMAC - Rp 16.4.14.1 NMAC, 8/10/2019]

16.4.14.2 SCOPE: Chiropractors for licensure who must take a licensing examination for the state of New Mexico.

[16.4.14.2 NMAC - Rp 16.4.14.2 NMAC, 8/10/2019]

16.4.14.3 STATUTORY AUTHORITY: These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-3.G and 61-4-4 NMSA 1978.

[16.4.14.3 NMAC - Rp 16.4.14.3 NMAC, 8/10/2019]

16.4.14.4 DURATION: Permanent.

[16.4.14.4 NMAC - Rp 16.4.14.4 NMAC, 8/10/2019]

16.4.14.5 EFFECTIVE DATE: August 10, 2019, unless a later date is cited at the end of a section.

[16.4.14.5 NMAC - Rp 16.4.14.5 NMAC, 8/10/2019]

16.4.14.6 OBJECTIVE: This part establishes requirements and procedures for management of chiropractic records.

[16.4.14.6 NMAC - Rp 16.4.14.6 NMAC, 8/10/2019]

16.4.14.7 DEFINITIONS: “Chiropractic record” means all information maintained by a chiropractic physician relating to the past, present or future physical or mental health of a patient, and for the provision of health care to a patient. This information includes, but is not limited to, the chiropractic physician’s notes, reports summaries, and x-rays and laboratory and other diagnostic test results. A patient’s complete chiropractic record includes information generated and maintained by the chiropractic physician, as well as information provided to chiropractic physician by the patient, by any other physician who has consulted with or treated the patient, and other information acquired by the chiropractic physician about the patient in connection with the provision of health care to the patient.

[16.4.14.7 NMAC - Rp 16.4.14.7 NMAC, 8/10/2019]

16.4.14.8 RELEASE OF CHIROPRACTIC RECORDS: Chiropractic physicians must provide complete copies of medical records to a patient or to another physician in a timely manner when legally requested to do so by the patient or by a legally designated representative of the patient. This should occur with a minimum of disruption in the continuity and quality of medical care being provided to the patient. If the medical records are the property of a separate and independent organization, the chiropractic physician should act as the patient’s advocate and work to facilitate the patient’s request for records.

A. Medical records may not be withheld because an account is overdue or a bill for treatment medical records, or other services is owed.

B. A reasonable cost-based charge may be made for the cost of duplicating and mailing chiropractic records. A reasonable charge is not more than \$25 and \$0.25 per page. Patients may be charged the actual cost of reproduction for electronic records and record formats other than paper, such as x-rays. The board will review the reasonable charge periodically. Chiropractic physicians charging for the cost of reproduction of 16.4.1 NMAC medical records shall give consideration to the ethical and professional duties owed to other physicians and their patients.

[16.4.14.8 NMAC - Rp 16.4.14.8 NMAC, 8/10/2019]

16.4.14.9 CLOSING, SELLING, RELOCATING OR LEAVING A PRACTICE: Due care should be taken when closing or departing from a practice to ensure a smooth transition from the current chiropractic physician to the new treating physician. This should occur with a minimum of disruption in the continuity and quality of

medical care being provided to the patient. Whenever possible, notification of patients is the responsibility of the current treating physician.

A. Whenever possible, active patients and patients seen within the previous three years must be notified at least 30 days before closing, selling, relocating or leaving a practice.

B. Whenever possible, patients should be notified within at least 30 days after the death of their chiropractic physician.

C. Notification shall be through a notice in newspaper in the local practice area, and should include responsible entity/agent name of contact to obtain records or request transfer of records, telephone number and mailing address. To reach a maximum number of patients, the notification must run a minimum of two times per month for three months. In addition to a notice in the newspaper, notification may also be through an individual letter to the patient's last known address. Notification shall also be sent to the board.

D. A chiropractic physician or chiropractic physician group should not withhold patient lists or other information from a departing chiropractic physician that is necessary for notification of patients.

E. Patients of a chiropractic physician who leaves a group practice must be notified the chiropractic physician is leaving, notified of the chiropractic physician's new address and offered the opportunity to have their medical records transferred to the departing chiropractic physician at his new practice.

F. When a practice is sold, all active patients must be notified that the chiropractic physician is transferring the practice to another chiropractic physician or entity who will retain custody of their records and that at their written request the records (or copies) will be sent to another physician or entity of their choice.

[16.4.14.9 NMAC - Rp 16.4.14.9 NMAC, 8/10/2019]

16.4.14.10 RETENTION, MAINTENANCE AND DESTRUCTION OF MEDICAL RECORDS:

A. Improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records constitutes a violation of Paragraph (16) of Subsection A of 61-4-10 NMSA 1978. Chiropractic physicians must post a written copy of their policy or their employer's policy for medical record retention, maintenance and destruction.

B. Written medical record policy shall include:

- (1) responsible entity/agent name of contact to obtain records or request transfer of records, telephone number and mailing address;
- (2) how the records can be obtained or transferred;
- (3) how long the records will be maintained before they are destroyed; and
- (4) cost of obtaining copies of records, and of recovering records/transferring records.

C. Chiropractic physicians must retain medical records that they own for at least two years beyond what is required by state insurance laws and by medicare and medicaid regulations. Medical records for patients who are minors must be retained for at least two years beyond the date that the patient is 18 years old.

D. A log must be kept of all charts destroyed, including the patient's name and date of record destruction.

[16.4.14.10 NMAC - Rp 16.4.14.10 NMAC, 8/10/2019]

HISTORY OF 16.4.14 NMAC: [RESERVED]

History of Repealed Material: 16.4.14 NMAC, Management Of Medical Records filed 7/9/2008, Repealed effective 8/10/2019.

Other History:

16.4.14 NMAC, Management Of Medical Records filed 7/9/2008 was replaced by 16.4.14 NMAC, Management Of Medical Records filed 7/9/2008 effective 8/10/2019.